

ICANN

**Moderator: Nathalie Peregrine
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Chris Wilson: Hello. Welcome everybody. My name's Chris Wilson, Chair of the Business Constituency. And I welcome everybody here, welcome anyone that's visiting the meeting, newcomers, et cetera, happy to have everyone here. I see we have a very full agenda today which is a great thing. In light of Jamie's schedule, Jamie Hedlund who's Chief of Compliance here at ICANN I thought we're going to dive in directly into his presentation and some questions and answers and then we'll go ahead and sort of more formally kick off the BC meeting with introductions, et cetera. But I thought in the interest of time we don't waste Jamie's time with that. Obviously Jamie if you want we can - happy to give you a list of attendees if you want for your own purposes but I thought it'd be good to do that. So Jamie, why don't I turn to you and welcome your conversation. Thanks.

Jamie Hedlund: Sure. Thanks Chris and thanks for deferring to my schedule because I am very important. So I know many of you but not all of you so just want to do a few quick slides on intro and some initial ideas about my new role. I am a lawyer by training. I work for the government. I worked in public policy in DC for Internet and Telecom companies, been at ICANN for seven years,

recently moved into this role after Alan Grogan left. I hope when I leave I will have - won't be quite as white-haired as he was when he left.

I am, you know, this role is independent. I report directly to the CEO so not to the general counsel, not to GDD. I am still as you all know, still do in this role and much more in listening mode than providing any huge pronouncements. So what's going to be most helpful for me anyway is to hear your feedback and input. And I don't obviously it doesn't - it's not limited to our discussions here. I have an open door and hope any and all of you will reach out if you have concerns.

So next slide. So there you go. So as part of the internal budget exercise Göran asked us to come up with a narrative of the purpose of our department. This one is for specifically for the contractual compliance. And in a nutshell it basically says that contractual compliance is more important now than ever. Now that, you know, the US government is no longer our backstop our credibility and legitimacy will depend in large part on our ability to enforce our contracts and the - you know, without that as we've already seen, you know, governments will step into the breach.

There are three immediate projects that I'm working on. One is to understand better the calls for greater transparency in contractual compliance. One of my - one of the other things I do is I sit on the CCT Review Team and some of the recommendations that are already in the draft report go to greater transparency in ICANN. And what I've shared with them and hope to share with you is that we - the greater level of specificity in terms of the data or the transparency that you want, the greater the chance we have of succeeding and meeting those. Just saying we're not transparent or that we need to be transparent is not as helpful as we want this data and, you know, which will help us

understand, you know, why because my default and Göran's default more importantly is for more transparency, not less.

You all know still way more about the kinds of data and that contractual compliance compiles than I do. So getting - hearing from you directly either through the comments or and more informally the - that will be great. Another thing that we're doing working closely with David Conrad in the Office of the CTO Security Team looking at infrastructure abuse and in the DNS and seeing where we can coordinate and collaborate to help minimize that. That kind of work is much closer, that kind of abuse is, you know, easier to justify as being within mission because it's the security and stability of the DNS than say content abuse.

Obviously there's also a lot of overlap. Often where there's DNS abuse there's also content abuse. So we are working together to see what we can do using existing contractual compliance tools as well as cooperating with third party groups looking at their data and seeing what we can do with that or providing them with data to help them where we don't have authority to act on our own.

And then finally ad hoc working group on contractual compliance and consumer safeguards this is an idea which still, you know, looking for input. It seems that there are a lot of discussions about contractual compliance that take place within silos. There is not a lot of cross-community discussion about contractual compliance. And it would be - the idea would be this would be a vehicle for transparency and for enhancing awareness of what contractual compliance is, what it isn't, what is within scope, what's not, what changes could be helpful.

This is not a policy development process or a contractual interpretation implementation. This is purely a vehicle for greater transparency and discussion. Next slide.

So this is a part of the narrative on the new consumer safeguards position. This is a position that's still posted. If you know people who would be good please send them to the Web site to apply. This role grew out of a request from different parts of the community to have someone that's most focused on consumer safeguards. This will be first and foremost a - an engagement role. This will be someone who will engage with the community, all across the community, raise awareness, educate on existing consumer safeguards, facilitate discussion on the effectiveness of those consumer safeguards as well as float ideas on additional or more effective consumer safeguards that through other processes could be included in future contracts. This person will also play a role in facilitating understanding about what kinds of safeguards are within ICANN scope, what kinds are outside of our scope as well as for those that are outside, you know, where consumers might be able to go for recourse. Let's see, if you go two more slides.

Man: James do you want...

Jamie Hedlund: Yes?

Man: Question?

Jamie Hedlund: Yes sure go ahead.

Steve DelBianco: Hey Jamie, Steve DelBianco. The notion of safeguards there was a capital S safeguards which is in the new gTLD registry agreement in PIC specs. And that's a lower case S. So is it a broader range of safeguards than just what's in

the new gTLD contract? And your point about mission and scope that is clarified in the new bylaws we draft in the transition that existing agreements are not going to be questioned as to their scope right? So, it's only the new obligations that would. Thank you.

Jamie Hedlund: Yes so correct in both points. I mean the most obvious linkage to the contracts with consumer safeguards are the Spec 11 safeguards. But it is broader than that. There are safeguards in the RAA as well. They're not called safeguards but they are effectively safeguards. And this is supposed to look at safeguards generally not to question the validity of the grandfather safeguards at all but to look at safeguards that don't exist not that could be within scope and, you know, discussions about why those would be helpful or effective.

Steve DelBianco: Anything that exists now is by definition in scope?

Jamie Hedlund: Correct.

Steve DelBianco: So don't say what exists now to see if it's in scope. They're all in scope by definition.

Jamie Hedlund: I meant questioning whether or not they're in scope.

Steve DelBianco: You can question them all day long, it doesn't matter. They're in the agreements. They have to be enforced.

Jamie Hedlund: Couldn't agree with you more.

Steve DelBianco: Good. So what would be so beneficial is if you have a list of what the safeguards are, you mentioned registrar accreditation agreement and registry,

send me it by an email and I'll circulate it to the BC because it - that kind of specificity that enables us to be so much smarter at dealing with you and your office.

Jamie Hedlund: So one of the first things that this person will do is create an inventory of those and then absolutely this is not something that's coming down from on high. This will be, you know, vastly improved with your input. So this is just look, I'm - I am really eager to get your feedback. I got some that was very helpful at the NCPH in Reykjavik. And, you know, Copenhagen in March is only slightly better than Reykjavik in February but we'll get that right eventually. But these are just some ideas, some potential questions but obviously open to any questions and feedback you might have.

Chris Wilson: Thanks Jamie and thanks for taking the time. I know you - we squeezed you in in a very busy schedule. So I open the floor. I see Denise's hand and then Susan. Denise?

Denise Michel: You can - hi. This is Denise Michel at Facebook. You can tell how important contractual compliance is to Facebook and abuse mitigation in general. So I think I'll just, you know, throw out a few things and then you can answer now or later. I think fundamentally ICANN compliance has been structured to engage in cooperative compliance. Is that the frame you - yes, with the registrars and registries. But there is no cooperate - really no cooperation with the registrants or the complainants. And information and collaboration we just don't see that. And we provide a high volume of complaints to contractual compliance so I think that's a pretty fundamental issue that we'd like to work with you on I mean, as you go forward.

In terms of data I think the BC has a long history of requesting more data. And we have lots of examples. If you go to the BC page of where we provide

- we archive all our public comments. I think you and your staff will see a lot of examples there. But to just drill down on one because I know it's helpful to have specific examples, so the CEO report to the board in Hyderabad said that only 14 of 26 registrars from the September audit round of the RAA had completed their remediation. And then in the September 2015 contractual compliance registrar audit report zero registrars had passed all their audit tests and you had audited 65 registrars.

And then the May contractual compliance, this is 2016 registrar audit report you audited 15. Zero had passed. And then the KPIs that are posted on the Web site states that overall registrar compliance rate was 99% and really not a lot of specificity as to how. With all of those other numbers you're still showing KPIs in.

So that's an example of a disconnect of the - of the data that is provided by ICANN. Beyond that we'd like to see much more impactful, much more useful data provided by compliance. And again the BC has a long history asking for lots of specific compliance data. So I think that could be an area where you could provide high impact. Thanks.

Jamie Hedlund: So just quickly on the first one that's an excellent point and take that to heart. I mean we should be cooperating not just with the contracted parties but with people who and entities who take the time to file a complaint. The - in terms of the cooperative nature with the registries and registrars it really applies mostly if not exclusively during the inquiry phase so when we're trying to gather facts. But once they're not forthcoming we go to notice and then it's less cooperative.

On the second issue on the data we'll look into the disconnect that you pointed out. And again whether it's in response to the CCT Review Team or peer or,

you know, informally elsewhere the more specific you can be about the kinds of data that you think would be more helpful to receive that makes a lot easier for me to figure out how to get that done. So really encourage you either to file comments or to you - just provide it to me by email. That's great.

Chris Wilson: Susan?

Susan Kawaguchi: Thanks Jamie. This is Susan Kawaguchi for the record. So just this is sort of a process question and a process suggestion maybe. I'm just playing around on the compliance pages here and it looks like you now have a more streamlined Transfer Complaint Form to fill out and the Whois Inaccuracy Complaint Form which is great. I like seeing those kinds of things because it helps, you know, individuals walk through that aren't really sure of the issues. In fact in our own enforcement we frequently still run into someone who's registered a domain name in somebody else's name. Even with their email address that registrant had no idea he owns it. But there - he doesn't control the servers so bad behavior's going on with the domain name. So I'm oftentimes saying, "Okay, you are saying this is not - you do not know where this domain name came from. You did not register it. Show me some proof and go file the Whois Inaccuracy Complaint.

So especially for newbies that's really good to have a process of something to step them through. For more detailed compliance issues, you know, unless I'm missing something here most of the times we're sending either a letter which I don't even remember sending a letter to you to the compliance department but you could send us the - similar to a cease and desist or an email in that same thing.

But email threads get jumbled and lost. And so a lot of times I'm not very happy with the results of the compliance because it - I don't think it's resulted

in what I - how I would want it resolved. But I also just don't understand the thinking. So it's like if I'm citing five parts of the RAA and saying they are in violation of these and I get back, no, sorry we resolved this, closed, some sort of feedback on no, this is not a violation of 3., whatever because of this.

And it wouldn't have to be a long legal analysis but a short we just don't see this and we think the registrar does not have a duty for that or the registrant or whoever we're complaining about. And so it becomes a learning experience for us. And then we also know it also - it's informative for us and we can say okay now okay here we have a true interpretation problem. You know, ICANN legal is probably interpreting this one way. The community interprets this another way.

Okay now we can center on that and explore that and maybe working on coming to a resolution. So I think if you had a even though I'm sure some people would just rather send an email if I had a form that I could say in Block A I put such and such this, you know, cited this part of the RAA you did not respond to Block A that would really be helpful because it's just the email threads are too confusing by the time you get down to 50 emails.

Jamie Hedlund: Thanks. That's really helpful. I heard general comments about the lack of transparency or insufficient transparency around the rationale provided and that I think what you're talking about is an example of that and agree that those kinds of things that you're suggesting would make it easier to zero in on the issues and so thanks.

Chris Wilson: Other questions? If not I got - well one thing maybe Jamie would be good is during the intercessional in the engagement with the CSG we talked a little bit about the IT challenges that the compliance office is facing, perhaps I guess ICANN Writ-Large but certainly I think the - can you speak a little bit to that,

you know, what those challenges are for those that weren't there at the intercessional and how - what's the plan going forward to sort of help rectify some of that which actually gets - ties into the transparency and sort of data collection issues anyway but if you could talk about that/

Jamie Hedlund: Yes we're moving everything to the TAS system. Now we are - we're on Kayaco platform and we along with most of the rest of the organization are migrating to Salesforce. And it's going to, you know, there's a period of time that that will take. But in the meantime what would be this ties into the earlier point about transparency if we learn early on that there are particular items or there's a certain granularity that you want with particular items it's easy - it would be great to know that early rather than try to do it later because you can - you know, you can - right now so for example right now with the Whois inaccuracy my understanding is that we get - that the types of Whois inaccuracy are filled out in freeform in text. And so the result of that is when we put our reports we don't say so many of these are because of an address or a zip code or inoperative email. So that kind of granularity will help us with the IT planning (goods). I don't a timeline or right now for the rest of it but happy to come back with that if that would be helpful.

Chris Wilson: This is Chris. Thank you. I appreciate that. Other questions from the floor? Denise, yes?

Denise Michel: So in yesterday's DNS abuse mitigation panel David Conrad said that the SSR team is looking at abuse trend data. And statistics and providing those to compliance and, you know, helping compliance. Can you walk us through so for example if SSR gave compliance, you know, detailed information of high percentage of abusive domains in a particular gTLD registry what does compliance do with that large set of data?

Jamie Hedlund: So I'll have to come back to you a more fulsome response. But in general what we do whether we get it from David Conrad's team or from media reports or blogs or whatever is that we look at the info and decide whether or not to ask specific questions of a contracted party relating to that data. There's no automated system or anything that goes through that. And obviously each - the types of information that David Conrad's team got is fairly particular. So we, you know, can't really just feed it into a an automatic process.

But we will look at it. We will decide whether or not to ask, you know, reach out to contracted parties and ask them to answer. We did that fairly recently.

Denise Michel: Yes and so what we've been seeing is -- and this has been going on for, you know, a couple years now where there'll be a very high percentage of abuse in a relatively new gTLD. And then we'll see a huge block of abusive domains moved behind privacy proxy. One of the concerns that I have is that and there's no secret there is a number of entities providing data on abusive domains and new gTLDs in particularly. You know, a concern is that when compliance is given these large datasets if what they are doing is contacting the registry and saying, "Hey, you've been reported for large data sets of abuse and that basically serves as a heads up to the registry." They take those abuse domains. They move them behind the privacy proxy wall, makes it much more difficult to enforce on. It's a bit self-defeating. And so I would be interested in your follow-up to also hear about if that is indeed happening, whether or not that's happening and additional strategies that you guys can or are taking to really be more effective I think in that.

Jamie Hedlund: Sure. So by the time - typically by the time we would contact the registry that data's been out there, you know, so we're not the first one's alerting the registry that there's a problem so they may, you know, we may not - it may

happen irrespective of us but happy to follow-up on our process and be grateful for your ideas on strategies for going after those types of actors.

Chris Wilson: So I know it's ten after 2:00. I know Jamie has to leave in just a minute but it's just time for maybe one more question before he has to go. Okay otherwise Jamie it goes without saying, thank you. Clearly this is a top priority for the BC so we hope to look forward to talking to you, you know, other - either face to face or maybe even on one of our calls.

Jamie Hedlund: Likewise, whatever. Yes that'd be great. Thank you very much.

Chris Wilson: Thanks Jamie. Thank you. Okay so moving right along let's go ahead and sort of do a more formerly kick off the BC meeting now and get into the agenda. To - so overview it real quick and then we can do some introductions around the room. You'll see we just had Jamie - we'll do our regular - regularly scheduled discussion of the policy calendar and council update, et cetera. We will have (Zachary Caldess) from the Budget Team come and speak to us just for 15 minutes. But I think it'd be more serve more as a question and answer period for us having just heard him speak a little bit earlier today to the CSG. And then David Conrad who we just talked about. ICANN CTO will come in right after him for about 30 minutes and talk to us about what's going on in his space and then take any questions. And then we'll sort of wrap up our BC meeting after that.

So we had a - it's a little bit disjointed but we're trying to accommodate our guest speakers to make it all work. There's no break scheduled but that shouldn't assuage people from wanting to step out. If you need to step out of the room for any reason please feel free to do so. I include myself in that for water, et cetera, but I thought it'd be easier just to go ahead and plow through and then we can wrap up as soon as we can.

So with that why don't we go ahead and open up and do introductions around the table for - certainly for people that are in the room that may not be members of the BC but are interested in learning more about the BC. It'd probably be good to get a sense of the companies, et cetera, around the room. So I'll introduce myself again, Chris Wilson. I'm Chair of the BC and I work for 21st Century Fox. Steve?

Steve DelBianco: Steve DelBianco, Vice Chair for Policy in the BC. And I run the trade association in Washington called NetChoice.

Ben Wallace: Ben Wallace and I work for Microsoft.

Lawrence Olawale-Roberts: Lawrence Olawale-Roberts, MicroBoss from Nigeria.

(Ditua Swats): (Ditua Swats) for (Key) Systems and I represent (Afit).

Denise Michel: Denise Michel, Facebook.

Susan Kawaguchi: Oh, Susan Kawaguchi with Facebook and GNSO Councilor.

Tim Smith: Tim Smith, Canadian International Pharmacy Association.

Marie Pattullo: I'm Marie Pattullo. I'm with AIM, the European Brand Association in Brussels.

Phil Corwin: Phil Corwin. I represent the Internet Commerce Association in the BC. I'm their counsel. I'm also head of Virtual Law which is a Washington DC policy shop. And I'm one of the two PC representatives on the GNSO Council.

(Net Tupan): My name is (Net Tupan). I'm with Digital (Part) from Thailand.

(Mark Betsco): (Mark Betsco) representing (Sirisign) in Brazil.

John Berard: Thank you. John Berard with Credible Context.

Claudia Selli: Claudia Selli with AT&T.

Timothy Chen: Timothy Chen with DomainTools.

Brian Huseman: Hi. I'm Brian Huseman with Amazon.

Andrew Harris: Andrew Harris, Amazon.

Gail Slater: Gail Slater, Internet Association.

Ari Giovenco: Ari Giovenco, also Internet Association.

Arinola Akinyemi: Arinola Akinyemi, Digisphere.

Jay Sudowski: Jay Sudowski, i2Coalition.

Barbara Wanner: Barbara Wanner, US Council for International Business.

Jimson Olufuye: Jimson Olufuye, Chair of AfICTA and the Vice Chair Finance and Operation.

Chris Wilson: Are there any BC members in the room in the back that would like to...

Man: Where's the mic?

Chris Wilson: Is there a mic? I don't know if there's a mic. Oh.

Ozan Sahin: Ozan Sahin, ICANN staff, Remote Participation Manager.

(Suman Lapu): (Suman Lapu) from (Turkey).

Andy O'Connell: Andy O'Connell from Facebook.

(Ben Kiastaka): (Ben Kiastaka), (Lacutan), a Japanese commerce company.

(Eric Shulsman): (Eric Shulsman), Department of State.

(Marco Pizoli): (Marco Pizoli), Corner Bank, Switzerland.

(Brook Sical): (Brook Sical), ICANN VALIDEUS.

Claudia Martinuzzi: Claudia Martinuzzi. from Louis Vuitton.

Alison Simpson: Alison Simpson from MarkMonitor.

(Rich Knoll): (Rich Knoll) from CSC.

(Olivier): (Olivier) from city of I think (unintelligible) IT. Thank you.

Steve Chan: Steve Chan, ICANN Staff.

Hibah Kumal-Greyson: Hibah Kamal-Greyson, Google.

Phil Kingsland: Phil Kingsland, Resident Stories.

Elizabeth Thomas-Raynaud: Elizabeth Thomas-Raynaud, The International Chamber of Commerce.

Chris Wilson: Great. This is Chris. Thank you all very much. Before we start I think Susan wanted to make an announcement to everybody so Susan I'll turn the mic to you.

Susan Kawaguchi: So this is a change of SOI that'll happen in April. I'm leaving Facebook and starting a consulting business so I will hopefully become a member through the consulting business of the BC. And as the GNSO councilor I'm hoping to stay on. And I have a commitment to ICANN and the work we do here. So if you all feel, you know, agree and you can decide that later, I would just like to finish out my term of a year and a half of GNSO councilor. And hopefully I'll actually have more time to devote to this. So but, that doesn't happen till April but I wanted to give everybody a heads up. And so I'll change it officially once I'm - I've left Facebook.

Chris Wilson: Thanks Susan and speaking - this is Chris. Speaking personally I mean we'd love to have you stay in the BC so whatever way we can effectuate that that'd be great so I appreciate it. Steve, yes.

Steve DelBianco: Now Susan I think you said that the nature of the consulting business is similar to what you do now.

Susan Kawaguchi: It'll be very similar to what I'm doing now, can't disclose clients at this point but it won't really change viewpoints or what I do. It'll just what I am moving away from is being responsible for Facebook.com and it going down and CNN showing up on my doorstep. So and I won't have to very often at least commute on 85. That's my - to work from my house so...

Chris Wilson: Well...

Susan Kawaguchi:...it's just a time to do a little few other things but very similar just sort of, you know, using the skills I've learned at Facebook and eBay.

Chris Wilson: Well thanks Susan and as long as you don't take on more than 30% of your clients on the registrar registry side which it sounds like you wouldn't.

Susan Kawaguchi:I don't think so.

Chris Wilson: You'll be eligible.

Susan Kawaguchi:You just hear the compliance.

((Crosstalk))

Chris Wilson: You'd be eligible for your business to join. And if your new business becomes a BC member -- and I appreciate you saying if you'll have me -- but if - as long as you're a member we elected you to council, didn't elect Facebook to council. We elected you to council. So as long as you're a member in good standing all you've done is change your SOI. So there's no formal step necessary other than acceptance of your new entity and congratulations.

Susan Kawaguchi:And today's name as long as everything goes smoothly it's CNA Consulting which is (Chris), (Nicole) and (Alisha), my children.

Chris Wilson: Well thank you Susan. That's great news. Okay, why don't we go ahead and dive in. Steve on the agenda - next on the agenda is the policy calendar so why don't we turn to you and we can get into that? Thanks.

Steve DelBianco: Yes great. Well let's do that now. I sent out a policy calendar on Saturday, unusually early for a meeting, not that all of you have poured over it in the three days since but let me start from the top. In the last couple of weeks we filed two comments, right? On the 7th of March we did a comment on the GNSO's initial report for the IGO and INGO right? These are the inter-governmental and international non-governmental organizations for the quests they have to get rights protection mechanisms they feel they can't get through other means. And I've got a link in here to the comment page.

Well Jay Sudowski, Andy Abrams and also Phil Corwin were the drafters of our comment and it's very substantive. And I do hope it'll help Phil as one of the folks on that (BEP) team that drive that thing forward. I know it's been a huge topic all week long here. And we did get our comment in early. So Phil I know we're going to watch that just in case there are more we can actually again in the (intervening) layers. Is there a - are you able to use the comments we filed in the work that you're doing on that working group?

Phil Corwin: Yes well as I said when Greg brought this up in the CSG meeting this morning I've talked to my co-chair Petter Rindforth from the IPC and we're probably going to reconvene the working group. We've been meeting on Thursdays and we'll probably reconvene them the last Thursday in March which is two weeks after this meeting just to get started on reviewing the many comments we've already received. It's a day or two before the comment period ends but there's a lot of comments already submitted and some very serious comments we're going to have to carefully analyze and then see if we have to make some course corrections. So and we're happy to see the BC comment in early.

Steve DelBianco: With Jay and Andy all spun up on this topic you are a BC member and you're chair of the working group right?

Phil Corwin: Yes.

Steve DelBianco: You have two hats? If you wish you can prompt us and Jay and Andy can probably quickly come in with a second BC comment if you think there's something in particular we need to react to with everything else that's come in. That's an option you have.

Phil Corwin: Yes.

Steve DelBianco: It's not a request.

Phil Corwin: That's a great offer Steve. Let me say this. It's been so busy for me at this meeting including a 12-hour non-stop day on Sunday which culminate in that 2-1/2 hour meeting between the GNSO and GAC on this subject. When I get home -- I get home Sunday night -- next week I'm going to take a careful look again at the comments already filed and see particularly on the issue of using Article 60 or the Paris Convention as a basis for standing in addition to trademark registration. We're going to have to look at that. And if there's a need for the BC to file it would be helpful to file a clarifying comment on that. I'll get back to all of you before - you know, at least a week before the comment period ends.

Steve DelBianco: Great. Thanks Phil. Another one we filed over the last 14 days was on the 4th of March we did a letter, not a public comment in this case but a letter to ICANN staff with a point by point response to the public comments that others had filed with respect to the BC's proposed charter amendments. We had to thank Andy Abrams for all the work he did at pulling together the draft

charter. We've been at this over a year and a half at this point. And we also thank Jimson and Lawrence for the work that you both did on that response.

Now in our response we acknowledge we had to make a couple of technical corrections to the BC charter. We did that. I circulated it yesterday at the closed BC meeting. And in the last 24 hours Jimson circulated the actual two amendments. They're very technical in nature. And all of you should have also received from Chantelle a ballot.

And the reason we're doing it this way is that our charter requires us to have a 50% majority approval of any changes that we make to our charter. So these are two tiny little incremental changes to the year and a half worth of substantive changes. So ask all of you to please vote and get that done and if you have questions about those charter changes this would be a great time to surface them. Any questions? Fantastic, seeing none. Thank you again for all the work on that.

Let me turn to the current ICANN open public comments. And who's got scroll control? Oh, it's on. You do? Could you scroll that up to the beginning of current ICANN comments? Down please.

Man: Down.

Steve DelBianco: A little bit more. Thank you very much. All right the first one is remember that there are kind of reviews that called organizational reviews that are required by ICANN every five years where they hire an outside consultant to review the effectiveness and fitness of purpose of the ACs and SOs inside of ICANN. The GNSO review for instance we talk about many times the one that was done a couple of years ago. The next one that's done is an opportunity to seek some restructuring remedies that we have.

But for the time being the ALAC or the At-Large community has their public comment out for - has their review out for public comment and it closes just ten days from now. Fortunately we have volunteers. Tim Smith was good enough to volunteer along with Ari Giovenco. Thank you Ari and then Lawrence as well. And I think Lawrence has already submitted his little 1/3 draft.

It's ten days. We're supposed to have 14 days so a lot of travel and I'm so grateful for these volunteers for stepping up. So I think we'll probably have the comment out to you with at least seven days or review time for the BC. So and I want to thank you guys for the work you're doing on that.

I did want to surface because we're on a short fuse though that I offered some advice to the three drafters with respect to dealing with the ALAC's comments. Now keep in mind that the consultants review the ALAC is - it's rather harsh. It's pretty critical. So I suggested one element is that the ALAC is usually a significant ally of the BCs when it comes to consumer protection and things that we have done around ICANN have usually been an ally so let's be nice.

Second, some of the critique is that the ALAC leadership is static. It's sort of the same people rotating positions, not enough turnover there. Now we acknowledge the need fully in the BC to recruit more of you to step up and sit over here. And do our best every time. And there'll be a sales pitch for that later today. But so we want to be I think understanding of that that what it really comes down to is what kind of efforts is the ALAC making to recruit their members to step up in leadership and drafting? And you can measure people on their effort. And if their effort's significant sometimes the results

won't be there. A lot of work to be an officer so maybe they just can't get people to step up.

But what you want to do is look to see whether the consultants were unduly harsh just looking at the numbers of who the officers are. What was the effort to recruit and cultivate? This will be an opportunity for you to dip into some of our own efforts to do the same like term limits.

And then finally ding - if the report dings the ALAC on their outreach we should reiterate to the BC's commitment to outreach in terms of funding and effort. It's been something that we would happily have them emulate. And I think Jimson would love to hear that. So those are three guidelines I've given our three drafters. Are there any other comments, suggestions? Go ahead Tim.

Tim Chan: Hi and yes we apologize for getting close to the deadline but we will get you something later this week to review. It is a critical report and as a matter of fact it calls for some metrics to be put in place related to engagement. And one of the points that I've been thinking of is it's great. It's aspirational. But to actually try to nail them down and put them in place I think is a little bit unrealistic. But I also want to acknowledge Gail Slater who is helping us on that team so thank you.

Steve DelBianco: Do - I mean skip Number 2. I've covered it earlier. It's with respect to Phil watching for the comments that come in. Look at Number 3. Three is recommendations to improve ICANN's transparency. This is one of the Workstream 2 projects that came out of the ICANN transition and the accountability measures. But fortunately sitting to my right is the co-rapporteur of that project, Chris Wilson. And we now need a volunteer to

draft comments because they close on April 10. That'll be here before you know it.

Fortunately I think Andrew Harris kind of - yes he did. He's nodding. Andrew has volunteered to lead that drafting but it could use some extra help. This is about transparency. John Berard, volunteering? Fantastic.

So John will help you Andy. Anyone else? All right, fantastic. Chris do you want to add anything to this?

Chris Wilson: Just yes this is Chris. Just to say obviously I'm happy to be a resource for Andrew and John and the BC in general like there's questions about the report even if I can't answer them I can certainly turn to my co-rapporteur who can because he did a lot of the heavy lifting. But and Barbara Wanner was a key contributor to the report, in particular the whistle blower reform section. So we're resources for you all if needed. So all I ask is just please be gentle on the - I'm kidding. No take - all constructive criticism is welcome so thanks.

Steve DelBianco: Thanks Chris. Number 4 is to comment it's not due till April the 17th but we're going to have to look deeply into the BC's ranks to find people with the experience on implementation of guidelines for internationalized domain names. And these are domain names that employ the X and dash dash syntax for non-Latin script characters. This was an issue to the BC not in the technical sense but in the notion that we wanted to serve business users and business registrants around the planet but didn't read and write in the Latin script. And that is over 50% of the world's population.

So this was a big deal for the BC dating back about ten or 11 years ago. It was one of the reasons we tried to get a lot of interest in IDN gTLDs so that businesses serving an Arabic script, Chinese, Japanese, Korean, et cetera,

would have an opportunity to have domain names in their own script and languages. These guidelines are a little different. They're more technical in nature. Do we have any BC members that possess some expertise at IDN implementation? All right, seeing none around the table I'm not sure we'll be able to drive this too far.

And before Tim Chan leaves the room I know Tim did I hear you correctly yesterday that you would volunteer to help out on drafting our comments on the consumer trust recommendations?

Tim Chan: Yes we do.

Steve DelBianco: Awesome, fantastic. Thank you.

Tim Chan: I (unintelligible) I'll be back.

Steve DelBianco: Okay. Go ahead Denise.

Denise Michel: I'm not volunteering for IDN (unintelligible).

((Crosstalk))

Denise Michel: But I know someone at Apple who might be interested in doing it so I'll reach out to her. I probably do not have the expertise for this but I will read it and if there's anything that I do understand I'll put that into a document. How's that?

Steve DelBianco: Oh, thank you very much.

Denise Michel: I've registered a lot of these so...

Steve DelBianco: There's also an interim board on the use of country and territory names as top-level domains. This will be in the next round, the next window so it's years down the road but it's going to take years to come agreement with governments about how you can put together a new gTLD application for something like Patagonia if you're a business or if I want to serve a region, the Mid-Atlantic states where I live in the United States, Mid-Atlantic as a .midatlantic URL like. I might have to obtain permission from some coalition of government entities just to do that even though there's not a country or territory called Mid-Atlantic or Patagonia.

So this was part of the entire sorry episode where ICANN denied the .amazon application. And that's not over yet. That's still going through an IRP process. But I wonder whether we can call on a BC member to read this interim report and give the BC a change to make the business centric comment right now. Let's try to guide this. We don't want to wait forever. We want to get in early.

Any BC members? Think about those of you that served parts of the globe where business users and registrants might want to use Middle East, .middle east is a new gTLD. All right, I'll come back and ask for volunteers as we get closer to it. And then Number 6 was good faith standards. I'll leave that go for now. When - Number 7 is the draft report that while (Udos Conga) discussed with us yesterday at the closed BC meeting, it's a rather long report with 50 recommendations. And this is for a review of the round that we just had of new gTLDs with respect to whether they improved consumer trust, consumer choice and competition.

It's a pretty extensive piece of work and the BC played a big role at their metrics that made their way into that. So far Tim Chen who just stepped out has volunteered to be part of that drafting team. But this is a multi-person

draft. Tim interested in help? Fantastic, thank you. Who else, Susan and (Arinola), fantastic.

And (Waud) as the person who's on the team can be a resource to us. But it feels like it's not good form to have the guy who was the rapporteur turn around and be on it.

Chris Wilson: And I think - and this is Chris. I think he did - he committed I think to getting us at least a sense of where he thought we could best spend our time. So hopefully if he hasn't done already hopefully he'll do that soon and that'll help guide the drafters.

Steve DelBianco: Right. Yes thank you. And as usual I'll try to tie it up by giving you comments we've done on the previous CCT projects and you'll be able to stand on their shoulders. And then Jimson Number 8 on here I believe we're going to certainly turn to you as our leader on reviewing ICANN's draft operating plan and budget for Fiscal year '18 into five year. Would that be something you'd be able to take a look at preparation for a 28th of April comment date? Outstanding, knew you'd say that, great.

All right, move on. Let's go to the upcoming review for registration directory service. This is the Whois or the replacements for Whois. But for now it's a review team. And I think we're calling it Whois Number 2 Susan?

Susan Kawaguchi:RDS.

Steve DelBianco: RDS but the deadlines has been extended to the 20th of March, just a few short days away. And Susan Kawaguchi and Tim Chen who just stepped out have already applied. And today I discussed with Gail Slater over here from the Internet Association about our interest as well because Gail was on the

panel yesterday on the data protection authority and a whole discussion of whether viewing Whois data or moving it from a thin to a thick model would cross a border and well, run afoul of European Data Protection Authority, law. And this is certainly a hot topic based on what you heard yesterday Gail but do you have anything to report on that session?

Gail Slater: Sure, just to recap we - this was a high interest session held yesterday afternoon. And my understanding is -- and seasoned ICANN goers know this far better than I -- this is an issue that's been out there since 2003. The European Data Protection Commissions has long since had concerns about the kinds of data publicly available on Whois, the volume of data and access to the data. And of course my understanding is there are plenty of good reasons why Whois is populated the way that it is. And they're not if - when I called on the panel competing equities at stake here and not just privacy.

And I gently explained that to the other panelists. Their starting point is that, you know, privacy is the only equity at stake here. They unpacked. I think there were three or four of them, the new EU privacy law, the general data protection regulation that will come into force next year and seemed to boiling the ocean on what they said suggests to ICANN and ICANN stakeholders that this law will come into force. They will have massive signing powers under this law -- up to 4% of worldwide turnover, not just European turnover revenues for the companies involved. And so this is the moment in time despite this being an issue that's been out there for a very long time for ICANN to shake - to shape up on Whois and privacy concerns around Whois. And so it's out there. It's been out there for a while but I think it may be something that's going to come to a head in short order. It's something for you all to be aware of.

The data protection commissioners seem to have grave concerns about Whois. And the board seemed to indicate at a meeting prior to the panel that this is the start of a long conversation starting between the board, the ICANN staff, the council of Europe and the European Data Protection Commissioners on this issue.

Steve DelBianco: Thanks Gail and welcome to the BC both to you and Ari. The - if you don't apply as an applicant to be on the review team you have to do so by the 20th and indicate in your application if you wish to be associated with GNSO and specifically the BC. As we said we have two now. We won't get three people on there but I'll bet we'll get one is on the review team. The review team will take roughly a year, right, take roughly a year. It's going to be at least two to three hours a week. And it's very focused on ICANN's ability to with - uphold its commitment to provide Whois for the legitimate needs of law enforcement and consumer protection. So it comes from the perspective of is Whois working the way it's supposed to which clashes with what you heard yesterday on the panel that you were on.

There's another review team in the works too and it's the accountability and transparency would be the third review. And that particularly review is open for volunteers before the 21st of April. This will be a limited scope review so I think it would take even less time than the Whois review. It's limited scope because so much of the accountability is being tied up in Workstream 2 that we've asked this particular ATRT to mostly look at how well ATRT 1 and 2 recommendations have been implemented. And with that limited scope it could be a very quick project. And we had a session that I led yesterday on it. It was here.

Do we have any folks in the room who were part of Accountability and Transparency Review Team 1 or 2, ATRT 1 or 2? Denise you were on staff when they were both going weren't you? That doesn't count?

Denise Michel: Yes. No, I - people on my staff, yes supported the team. Did you have a particular question?

Steve DelBianco: Mostly looking for history because if people understand what was in ATRT 2 they'll be in a great position to quickly assess whether staff has delivered, whether ICANN's delivered all the recommendations.

Denise Michel: Yes. The ATRT 1 and ATRT 2 are very much products of the individual members on the ATRT team. Each set of members, each member brought their own priority and own understanding of what was most important when it came to accountability and transparency at ICANN. And so the ATRT 1 and 2 reports are collections of their priorities primarily. And they can be found on the Reviews Web page.

And there's some question as to whether the SO and AC chairs have the authority to proactively limit ATRT 3's scope so I just throw that out there. But understand that there is a lot of sensitivity in the community to especially given the Workstream 2 accountability to not be repetitive and to make sure that there's really strong coordination.

Steve DelBianco: Thanks Denise. The session that I participated in yesterday was on that subject. They were asking us why limit the scope? And we explained the collision of topics, the conflicts and volunteer fatigue. And the question of authority came up and you're right Denise, there's no authority. When the review team convenes sometime in May or June the bylaws say that the review team will look at a overarching theme of accountability and

transparency on the part of the org, ICANN. And then it suggests six topics that may be considered but it's not limited to.

So their scope is quite broad. But in fact the community members select the team. And if we select the team after all of the ACs and SOs have adopted a position that says the scope should be limited the impression here is that when you select team members that they know it's a limited scope they're going to carry that into the team. So it's likely to be a limited scope. As you said you can't bind them to it.

All right that's all I have for Channel 1. I'd like to turn it over to Susan and Phil. Go ahead Lawrence.

Lawrence Olawale-Roberts: So I'm interested in Number 9. That's the draft that has to do with a African DNS marketplace but I'm hoping that maybe I can get one or two other volunteers though there's still a lot of time but we can start some work on this.

Steve DelBianco: Yes that's perfect. Thank you for bringing it up Lawrence. Number 9 on the Channel 1 is that there's been a DNS market study done for the African marketplace. Comments don't close till 5th of May but we need to review that study as to whether it really serves the interests of business users and registrants. So much of the work that began under the previous CEO was to look at a region and say in that region do we have enough registries and registrars to set up in that region. And the BC's perspective is that's pretty irrelevant right? That's pretty irrelevant to whether business users and registrants are being served in that region.

For them to be served in that region they need to have the availability of TLDs, domain names in their own script and languages with terms of service

from competing registrars that off that. And those registrars and registries may or may not be based in this case in Africa. That's not the primary concern. The primary concern is that we can attract businesses to use the domain name system and make sure that it's safe and respected by consumers in that region.

Who else is interested in helping Lawrence with this? Oh, Arinola, fantastic, thank you. So Susan and Phil over to you for the council section of the agenda.

Susan Kawaguchi: Thanks Steve. This is Susan. I'm just going to start on the only motion we have for tomorrow's meeting is a motion on the a selection committee for picking review team candidates for the GNSO to endorse. So we have three seats thanks to Steve and on each review team. And so - I worked with Ed Morris over the last six to nine months in drafting a process that is very similar to what we've used in other ways.

But I really felt there was a need for the GNSO to document a process and stick to it so that we have fair and equitable selection process and there's transparency. This would also relate to individual roles such as the GAC liaison. There seems to be more and more and we had the CSV seat that we had to fill. So that way - and a few positions were, you know, nobody knew who applied and nobody knew who chose really. I mean it was just declared by the - by (James) that okay, this person's going to be - fill this role so it seems to me that transparency is our key.

So we have this process. It's up for a motion. There's a little bit of pushback on whether we have representation on the committee at the constituency level or hold it to stakeholders. I think we can maneuver around that and win on the constituency level. And then also up for debate is the rotation of the

selection. We have three. There's no way that is going to be brought down to the constituency level. But at least at the very most, you know, we should rotate between the four stakeholder groups.

So if like in the last review team selection Denise was on - selected to be on the SSRT so and I can't remember - and a registry and I can't remember who - where the other candidate was from. So we would guarantee the one I think it was the registrars that got left out that they would be - have a top priority for selection on the RDS Review Team for example for the next one. So we're talking about this rotation. There is some debate on whether we want to stick to a strict guidelines or it's more of like a wish. Let's always focus on that but pick the best candidate so we'll see where the GNSO lies on that. And then there's also a bit of development on making sure this adheres and isn't part of the bylaws that you're addressing so...

Chris Wilson: Steve on that I sent a note out last night to all of you with respect to this Bylaws Drafting Team. It was pretty detailed and I really didn't expect anybody to open up the attachments. But we have a long term project to make sure that the GNSO can respond if the new powers in the bylaws are ever needed. It's going to take us a few months minimum to get that done. Meanwhile your procedure would work. Well, your procedure would work for the Whois Review Team which we'll start picking members in two weeks. And in six weeks we'll start picking members for the Review Team on ATRT.

So your procedure is needed twice in the next six weeks. So I would encourage you. Your motion's good. Your procedure's solid. Let's push that through and don't let it get deferred for the work that my team is doing. It's going to take - it might take two, three months to get it done.

Susan Kawaguchi: And that's great background information because (James) had come up to me and said, "This is what we're hearing." And so but, I didn't know that information. So Phil and I'll go in there and argue hard.

Phil Corwin: Thanks Susan. Let me quickly - and we're going to have from 6:30 to 7:30 tonight councilmembers will be meeting to really plan our meeting tomorrow. So we'll have - you know, there will be further details coming out of that meeting that we can't give you yet because our machine that looks into the future is broken right now.

We're going to on the consent agenda we're going to discuss replacing Jonathan Robinson who's co-chair of the CCWG on auction proceeds because of perceived conflict that he wants to step down. Erika Mann has volunteered to replace him and we'll be discussing that. I haven't heard of any controversy on that. We're going to discuss briefly and there's no other voting items other than the one Susan discussed. We're going to discuss the updated charter for the CCWG on Internet governance. If you have any issues with that let us know.

Steve DelBianco: Question on that please. You are on that, so is Chris and Marilyn Cade. And I'm wondering is that charter likely to be approved? I know you're not voting on it tomorrow but it - are we trying to revive and keep alive the Cross Community Working Group on Internet government?

Phil Corwin: Again that's something we'll be discussing this evening. I'm just not sure if there's - what the sense of the council is on that.

Man: What did we want?

Chris Wilson: Well this is Chris. I'll just add I think Phil you - because I've been paying very little attention to the CCWG distribution list. But I think there's a comprehensive report that they - that (Olivier) and I think others attend - I think intend to present to the council. Maybe I'm wrong but I know they provide because, you know, it's way is sort of by way of feedback from I think Helsinki last year where there was discussion about doing something about tweaking the charter maybe and also in Hyderabad. But I know there was discontent with the council of these certain people on the council with the state of play with the CCWIG and wanting more tangible feedback from them as to what exactly they're doing and sort of metrics, et cetera.

So I seem to recall seeing before we left for Copenhagen a lengthy I guess report that sort of tried to I think satisfy those demands. I don't know if it's going to be presented formally or not but I just...

((Crosstalk))

Phil Corwin: Well it does say we're going to get an update and report from the CCWG co-chairs. Again I haven't seen that report yet or had - if it's out there I haven't had time to review it.

Chris Wilson: It's on the - it's - what we - it was sent around on the CCWIG list. Maybe it was in draft form but it - for what it's worth it's at least there. I don't know at - where else it might be but yes.

Phil Corwin: Yes I'll be frank, in a few days before coming here I was so busy kind of clearing the decks of...

Chris Wilson: What.

Phil Corwin: ...back work and getting ready for the two working groups that I co-chair and the presentations here and reviewing slides and all of that. I just didn't have time to get to that. It's...

Jimson Olufuye: Yes because...

Phil Corwin: ...like drinking from the fire hydrant before coming here.

Jimson Olufuye: Yes Phil just to have...

Phil Corwin: Yes?

Jimson Olufuye: ...or just Phil to mention to what's been said. This is Jimson speaking. We're talking about the relevance of CCWG or usefulness. Of - I'm on the list and then and involving the - some of the sessions, open sessions and spoken during. And some of these recommendations I did make had positive effect and especially at DC the United Nation Commission for signs and technology for the working group only has corporation in Geneva. One of the recommendation made was the need for ICANN to support CSTD working group and it has cooperation with transcription. And ICANN follow-up with that and was well applauded at the United Nations. So that's one of the outcome of that work of the CCWG here.

Steve DelBianco: And I do think in general the BC would support continuing the working group with a charter that is sufficiently limited and at the same time specific about the fact that the working group needs to generate reports back to council if it's a council charter working group. And with that guidance that they move...

Phil Corwin: Yes.

Steve DelBianco: ...and would guide your discussion tomorrow.

Phil Corwin: That's Steve. That's all useful input. Other items, and these are all discussion items, a 15 minute discussion reviewing activities of the CCWG Accountability Independent Review Process Implementation Oversight Team. That's a mouthful.

We're going to discuss the proposed council request in relation to a letter from the Thick Whois Implementation Review Team.

Steve DelBianco: Question on that.

Phil Corwin: Yes?

Steve DelBianco: And I highlighted this in the policy calendar that everyone has. It's Number 7. And that letter itself is supposed to be refreshed because there have been some changes in privacy law since the letter was done by ICANN legal in 2015. And there's a hope that council can draft this letter with all the right questions in it so that ICANN legal has to actually answer questions that'll be relevant not only to the Whois review, they'll be relevant to Thick Whois implementation. They'll also be relevant I think to how do we deal with the data protection authority issue.

So Gail would you look at the policy calendar? You can click on there. I have the letter and the council drafting point. If you have specific help you can give Susan and Phil in the next 24 hours. They can actually make that discussion Item 7 so much smarter for the BC.

Gail Slater: I'd be glad to do that.

Phil Corwin: Good. And then the last 30 minutes of tomorrow's council meeting we're going to be meeting with the Global Domain Division. So clearly if there's things that BC wants us to raise for discussion in that meeting of course the contracted parties are in that meeting, do what we can. And Steve I'd be particularly interested, you raised the question with the board this morning about the amendments to the base registry contract. I - what I think I heard was reasons why they couldn't do anything for us. But that doesn't mean we can't continue to pursue that issue.

Steve DelBianco: Phil I would - Denise and I were discussing ahead of time we'd like to have a good ten or 15 minute discussion on that very topic here in the BC meeting if our agenda allows it. What's our - where are we on schedule right now?

Chris Wilson: We're - this is Chris. We're pretty much on schedule. We've got a little time left for CSG update before Xavier gets here in that eight, nine minutes. So we could - we have - first of all we have this room until 4:30 so if push comes to shove we can go a little longer than 4 o'clock. So if you want to save it for AOB or do it now and we can...

Steve DelBianco: Would you prefer - Barbara would you prefer to jump to the CSG in the ten minutes before finance shows up?

Barbara Wanner: Fine because I'll probably complete it in less than 60 seconds. Steve circulated with this policy agenda the report that I provided from the intercessional meeting in Iceland. I won't go into the details. I'll just take any questions if people have them based on their read of the report. I would say that the Iceland meeting was useful because a lot of the issues that we're talking about here today with Göran, with Jamie and so forth we teed up at that intercessional meeting. So what we're involved in this week is a further elaboration on what we began to discuss in Iceland.

We also provided a letter to the board earlier expressing her concerns about how some of the sessions were planned in India, the lack of balance in the session and just the whole process behind it. I hope that letter - and we on the 22nd of February we received a response from Göran to that letter. And I would hope that some of the comments we provided in that letter were influential in getting very fine individuals like Gail on to the privacy session because we had concerns with how that was being planned also to enable there to be a more balanced expression of views.

Admittedly this is very challenging now with the GDPR about to be implemented. But the way that panel was shaping up it wouldn't - you know, there wouldn't have been a place for people like Gail, John Galvin and business perspectives on that panel so there you have it.

Chris Wilson: This is Chris. Let me also quickly add I had sent an email out late last night in case you didn't see it. There was going to be an ad hoc CSG meeting tomorrow morning at 8 o'clock. I think it's in this room but look at the email I sent. It's either this room or the room next door from 8:00 to 9:00 to discuss the Board Seat 14.

So and I think at 8:30 I just got confirmation from him so till 8:30 Matthew Shears will be there to talk to the CSG and answer any questions the CSG may have. So for those that are interested in that issue I highly recommend coming tomorrow at 8:00. We had to do it at 8:00 to make sure we didn't have any conflicts with other schedules and so forth so apologize for the early morning meeting but from 8:00 to 9:00 we'll have a Board Seat 14 discussion tomorrow. Okay so...

Steve DelBianco: Barbara it's Steve. The three actions one of which Chris just brought and this is under Channel 3...

Barbara Wanner: Right.

Steve DelBianco: ...which is Board Seat 14. A second action item is something that Jimson led the way with Ed Morris about a standing committee or a drafting team with the non-contracted party house on budget issues. What's the progress on that?

Jimson Olufuye: Very good question. This is Jimson. It is, you know, part of the meeting I did express some challenges I had getting and sort of to meet together and to plan the meeting. But anyway at the last meeting we got together and the meeting went pretty well. Now in terms of feedback I've drafted something and needed to just reveal and get back to me so that we can circulate (unintelligible). So because of that I couldn't send that of course. But basic thing is that everybody agreed that this is the time we need to take care ICANN budget process most seriously because we're in part community and we need to play our role properly.

And so council needs to respond if - to the issues with the budgets. And to do that we (surpass) we'll have a small budget committee so small budget working group across the house. And all we will have the drafting team for the council. So but basically we already have a budget of finance committee. But we happen to be the only one that has a budget and finance committee.

So they all said okay, maybe you will let us know how it is happening here. So I've met with the NCUC, briefed them so they're happy. No, NPOC. Now, it's NPOC. The NCUC Ed Morris actually invited me tomorrow to their meeting so that I can also give them some of our experiences and then they go so mature in the process. So that's it.

Barbara Wanner: I'm sorry, I didn't think we would have time but one final action item from that intercessional concerned and upcoming 2019 GNSO review which will be conducted by an outside firm. And there was sort of bipartisan support among all participants there that we should cooperate in terms of drafting terms of reference to guide that review and also reach out to the contracted party house and involve them in the process also.

Steve DelBianco: Thanks Barbara, appreciate that. So Chris you said Xavier...

Chris Wilson: Yes.

Steve DelBianco: ...who just walked in.

Chris Wilson: There he is.

Xavier Calvez: Yes I've got to leave in 15 the gTLD (unintelligible).

Chris Wilson: Welcome Xavier. Thank you for being here. I know you spoke to the CSG earlier today. Xavier and I ran into each other in the hallways a couple days ago. And he thought it'd be good to come as well to speak to the BC specifically in part as for to sort of seek further outreach from the BC and input on budget issues, also of course to answer any questions folks may have from earlier today or elsewhere.

So don't necessarily need because I know you're only here for a short period of time I think like 15 minutes before your colleague David Conrad shows up. But if there's anything in particular you want to touch on Xavier that's great. And then of course you can, you know, make your pitch for more input and then we can answer - ask some questions so to you. Thanks.

Xavier Calvez: Yes thank you. Thank you for carving out some time for us -- I appreciate it. This is really useful. I don't necessarily want to redo the same presentation then to the CSG this morning unless it - those of you who had seen it think it would be useful for the rest of the group. But I'm happy to have a more interactive Q&A session if you would like. If there are already some questions available then we can start with that. Otherwise I can run through the slides very quickly and see if any of those trigger questions otherwise?

Jimson Olufuye: Yes so this is Jimson. First and foremost I would like to really appreciate Xavier and the team for the professional coach the but to be on the ICANN budget process. So I ask the question when he said maybe for the benefit so our members are not there. And with respect to (resolve) I noted that they - it is our policy that it is our policy now so it would be good if we are pointed to that so that our members can see that.

So based on standards (resolve) should normally be say 100% of fiscal operating cost. So and from the budgets review I saw that it's less than 50%. So what measure are we taking to get back to standard? That's one. And two at the intercessional I co-chair the budget session with Ed Morris and the feedback we got. So a lot of people want to be there. They - actually the appreciate the work you are doing as well, the noted improvement and they wanted - so they plan to be there. But because of the timing, you know, it's like this maybe, you know, the time is 5:00 to 8:00 so the (fair) is like a dead zone a good (bit). So okay is there anything I can (unintelligible) calendar?

Xavier Calvez: Okay, thank you. So relative to the reserves so what Jimson was pointing out is that there is an investment policy for ICANN that defines the funds that it's supposed to be having which are an operating fund that corresponds to three months of operating expenses in terms of amount and a reserve fund that is

supposed to be at least 12 months of operating expenses, basically having one year of expenses ahead in case of unforeseen events or incidents that would trigger expenses that would not be planned for. So that's the investment policy, three months of operating expenses, 12 months of operating expenses, respectively for the operating fund and the reserve fund.

If you use the FY '17 budget as a benchmark the three months of operating - in the FY '17 budget is \$132 million for ICANN. So three months of operating expenses is 3/12 of that amount which is not far from \$35 million. Twelve months is the \$432 million. Jimson is pointing out to the fact that their reserve fund which is supposed to be that 12 month of operating expenses is about at \$60 million right now, \$62 million, \$63 million I think which is less than half of it.

So we have a depletion of the reserve fund that really is the results of two different things. One the budget of ICANN has increased over the past year or so. That benchmark of 12 months increases each time the budget increased. Two we have not only that target has gone up but our balance has gone down because we have consumed reserve fund amounts for to fund the IANA strategic transition project which in total is expected to cost by the end of FY '17 approximately \$28 million to \$30 million. So that's the depletion that has happened.

So we keep expanding that gap between the target and the balance. So what is happening about replenishments is the board is looking at the topic with a lot of interest and obviously concern. The reserve fund is a very important mechanism of sustainability of ICANN and its mission. And there's a working group you have seen in Hyderabad when the board reelected the various bodies that there's a working group for the reserve fund that looks at the policy, the target and of course the replenishment.

There's a number of ongoing conversations and work with the finance committee of the board and with this working group to present a number of mechanisms to replenishment to the community so that we can move forward on those - on that topic and with the objective to try to replenish as fast as possible the reserve fund.

I want to note that though the reserve fund is below its target the operating fund is a bit above its target right now because we have had we - FY '16 with a - is an excess. FY '17 is expect to generate also a bit of an excess which would give possible room to use that excess for at least a partial replenishment of the reserve fund or contributing to the replenishment of the reserve fund. But that yet needs to be decided by the board. But input from the community through the public comment on the budget would be really helpful to go down that path and to receive community feedback on. Relative to the - I think you were talking after that Jimson about the - you said the intercessional but I think you mean the Budget Working Group that we carry out at each ICANN meeting right? So it's happening tonight from 5:00 to 8:00. Everyone is welcome to come.

Jimson Olufuye: Where - oh, this is Jimson. Yes the issue there is that a number of the community people would like to be there but it is 5:00 to 8:00 is quite hard. So is there anything you can...

Xavier Calvez: Yes we can put it from 2:00 to 5:00 but no one is going to participate because it's conflicted. So if you remember two - about two years ago when we created that working group we worked with a few interested participants to try to define what were the least conflicted time. But we're now conflicted is then now we're conflicted with social events because we have put this meeting after the end of the day in quotes and certainly it's not easy but we also wanted

to make sure it's not conflicted with the sessions that your participation is important to because you have obviously other topics of interest.

So that's been the compromise in quotes. It's an imperfect scheduling for sure. But we do provide food. We do provide wine and beer for those who we like to try to mitigate the challenge of that schedule. I'm very happy to work again as we should know for sure with a few of the members to think about a better scheduling that could happen at two different times. We had when we discussed this we decided to not go with a meeting outside of an ICANN meeting simply because of the logistical burden that it creates on everyone including costs in that we thought trying to find the time at an ICANN meeting even late at night was better than creating another trick for a bunch of people.

Steve DelBianco: Xavier, Steve DelBianco. This is something to think upon a discussion we had with Göran this morning. Göran is sending very clear signals that the short term funding side is flat. You're agreeing. At the same time he send us broad signals that the community's desire for new projects like David Conrad's open data initiative among other things which we'll talk about next that Göran is saying that there has to be some place to pay for new projects. And in your regular operating budget doesn't it anticipate some unspecified projects or is every dollar accounted for in the operating imperative?

Xavier Calvez: Thank you for that question. That's helpful. To because I'm the finance guy I will try to be precise. We are not necessarily expecting it to be flat but to - the growth of the funding of ICANN has slowed down and expectedly. I explained this morning a significant of our funding is a flat fee for the registries. It is now capped at its maximum simply because the number of registries in the root is finite from the new gTLD program. You know, we have basically 1200 registries in the root.

Steve DelBianco: Right. And one of the topics we're very interested in is ICANN's unilateral ability to waive those registry fees. That's one of the biggest discussion items that we have in front of us is in the new gTLD base agreement what's the process by which you just let - you just forgive the fees which has certainly implications for the funding but it also means that the successful registries are subsidizing failing businesses.

Xavier Calvez: And I'm aware that this is a question that's been raised and it'll be by the Registry Stakeholder Group. So but to come back to the growth of the funding there's a part of our funding that's now flat and reached its cap and this is why it would only grow slower in the future. So it's not that it's flat, it's that it will grow with the number of registrations across those 1200 registries. The legacy TLDs grow at a 2%-ish rate. The new gTLDs grow much more but that growth is also going to start slowing down a little bit.

Steve DelBianco: So to clarify I checked the zone files of all the new gTLDs and between January and February they fell over 1%. The number of domains in the zone files is down between January and February. It's just a one-month snapshot. And I realize it could be due to a lot of factors. And there's not a lot of new gTLDs that haven't even started taking registrations yet. But for those that are already alive January February timeframe was very concerning to us. Have you been watching those trends?

Xavier Calvez: You know we have but because a lot of the new gTLDs are still in the infancy of their activity the narrower you look at the timeframe the more erratic the variance is. But nonetheless we should look at the data because that's the data that we have. Just as a point of reference the growth of the new gTLDs two years ago was 500%. Last year it was 100%. The market consensus in quotes gathered over a few data points is about 65% of growth for the next tier.

We have assumed in funding assumptions of ICANN 30%. So and if we would reflect 65% it would be 3-1/2 to 4 million more of funding for ICANN. Now it's of course is - what is important is the new gTLD markets is not just the impact on ICANN's funding but your question was pointing out to that as well.

So bottom line slow growth, you know, inflationary type of growth in front of us of the funding of ICANN though in the past it has grown a lot more. So how do we then incorporate new projects or new activities which was your questions Steve? And once there is and has always been in the ICANN budget a contingency included in the budget. So in contingency I want to be clear it's not a separate fund. It's simply unallocated expenses included in the budget which are aimed of course at...

Man: (Unintelligible) we get it.

Xavier Calvez: Right. But I want to make sure it's clear what we're using it for. It's when we have budgeted costs that happen to be a bit higher, a bit different. We have also in the past presumed that we would use the contingency for litigation costs if they would appear because we don't budget for litigation costs otherwise. And they are very unpredictable by nature. So that's what we use it for. So that could be funded there that if they are considered to be carried out, could be funded by the contingency if there is room within it to be to - for that funding. As a matter of reference there's 6 million in the FY '18 budget. There's \$143 million of expenses of which six are in the contingency right. Yes we aim at 5% of contingency every year. We're a bit short of that this year.

And to be honest there's always the possibility it's a slightly higher bar but there's always the possibility to raise a project as a priority that was not created before. We shouldn't feel that the budget is engraved in stone and nothing can change it if there are priorities that are raised along throughout the year so it's a possibility as well.

Chris Wilson: Xavier, or David here. Maybe ask the question what is the projected cost or at least, you know, what we're thinking about for open data, the open data initiative and is that specifically budgeted for already or how is that - how's the interaction there?

David Conrad: So we've put in an initial estimate for the pilot project of about 200K in FY '18. And that's the basically professional services cost. And, you know, this is a pilot project where we'll actually use that money to gain better information about how much it'll cost in the longer term. We anticipate the primary cost is going to be the platform that we're going to be used for the open data APIs. And that could be either zero or and then very large number zero if we go with an open source platform that's been recommended or, you know, some indeterminate large amount of money to platforms like (Inegmadata), IO and there are a bunch of different open data related platforms. The additional, the remainder of the expenses, professional services bringing in consultants or contractors to help us convert the data into some other into the form that the open data platform needs.

So we're, you know, in the pilot phase it's basically us getting our heads around what it's going to cost. And then once we have those figures then we'll be able to come back to the community with a better estimate as to what the actual costs will be based on data sets and that sort of thing that will hopefully inform the discussions related to prioritization of data sets.

Xavier Calvez: That would be a great topic to receive comments from this group on during the public comment period.

Steve DelBianco: We - I asked the question of the board this morning the CSG. I believe you were both in the room. And I said Göran's letter back to us on data said that the community could influence the priority order in which data sets are created and exposed to us. But because I know what Göran's been saying the last six days I think influence the community would also affect how much could be requested for a project like this. And if the funding is flat there may be other things that don't get as much money as they did in the past.

If we have to effect that prioritization I ask the board politely what would be an appropriate way for us to influence the prioritization of the total amount of expenditure and the order in which you do it? And I got no answer. So let me ask the guys that know how do we influence the spending on data and the order?

Xavier Calvez: I have an answer. It - this is the public comment on the budget. I welcome the comment that says we think there should be more funding for the open data initiative and less something and something else. You should have the ability to say that. Now it is a challenging exercise to - it's easier to say let's do this on top. It's more difficult to say let's not do this. But this is what we as in the community need to be able to do because and that's a healthy exercise. It's absolutely a healthy exercise.

Prioritizing our activities is exactly what we should be doing. It helps rationalizing further what we do versus the things that are a bit less important or urgent. The challenge for us as a community is to do that prioritization exercise at 3000 people. And that's a challenge but with - that's not, you know, also impossible. We have the public comment process. This is a great

forum in my views for you to have the comprehensive list of activities of ICANN. You have a list of 340 projects with a cost in front of each project. The personnel cost, the professional services cost, travel, admin and so on for each of those projects that you can look at to suggest prioritization.

Steve DelBianco: So two questions. If you get 30 public comments and three of them mention data's more important does that - is that enough to influence what happens? And give us the formula of what it takes to muster the support to get funding for this.

Xavier Calvez: And there is not a number of request or percentage of weight and so on. And, you know, last year for example by illustration we had three different public comments that were all saying in substance the policy support staff needs to be expended. No one said the opposite, three comments out of 120 or 130. Nobody said the opposite. But the rationale of that comment was such that - and by the way David Olive had made the same point before we published the budget with his executive team. And that echo we looked at it again and we said, "Okay fine, let's try to put some more money behind it," so...

Steve DelBianco: So this year it's not David Olive. It's David Conrad. And so we - we're going to meet with him next and get a better understanding because 200K for just a pilot is - I understand pilots have to happen first. But if there's parallel work that can be done by the consultants who prep the data -- and we have a bunch of datasets that are external that may require acquisition costs and then prep for exposure through the ODI. Xavier has any group submitted a comment where they said we want more money for this and we think you should reduce the sending for that?

Xavier Calvez: We had little of that at least together meaning as a trade-off. We have little comment where people give us the trade-off that they think. But I think it

doesn't have to be connected but certainly I would like to hear that type of comment from the committee.

Steve DelBianco: We are wary to do that because if we identify some line items we think are far lower in priority and are fat we will take on that sacred cow in the process. And so we will take in a good comment that David and everyone else agrees with and doomed it to opposition from the line item that got whacked. And let me ask you this, on your line items have there been any line items that have gone down other than the transitions costs? Have line items gone down from 17 to 18?

Xavier Calvez: There are. I can't give you a comprehensive list on top of my head like that but there's projects that are either finished or slowing down. Or, you know, there were some studies that we were doing on the definition of public responsibility last year. That's not - that's finished. So on the line item basis absolutely there are. But at the same there's also probably 80% or 90% of what we do that is ongoing.

I just want to finish on one question that you asked me earlier. How can we influence the comments that will lead to making a change in the budget? If you - I think we will listen to the community. So the more there are communities providing concurring type of comments the more it will impact how we look at those comments and try to affect them. So if you can convince other communities that this is an important topic then on its own it starts to become a priority.

Steve DelBianco: We'll take that challenge on but I don't think we'll take your invitation to couple our priorities with saying what you should cut. I feel like that's really risky. And without a better idea about where there's fat to be trimmed that'll

be harder for us to do. But I appreciate your advice on all this. It's been frank and I think it's operational advice we can work with.

Xavier Calvez: Thank you.

Jay Sudowski: So I was meeting with Göran the other day and he threw out a number around \$5 million to convert all of the data into an open data platform. Do you...

Man: The documents yes.

Jay Sudowski: Just to convert the documents.

Man: A different project.

Jay Sudowski: Okay a different project. So that's good to know. I also have a practical concern. In the last several months we've published comments opposing fee reductions certain registries. And the basis for that was the registries are adopting, you know, UDRP and URS and things like that. And so, you know, we're opposed to that on the basis that these are bottom up policies that shouldn't be implemented on legacy, you know, registry operators without our input. But it sounds to me like there's maybe a practical financial concern about having these fee reductions especially if you're telling us that revenue is flat. So what is the - your perspective on that?

Xavier Calvez: Well there's a lot of elements and I don't have the details of everything you mentioned. But I am sufficiently aware of the topic otherwise that I can speak at least a high level. There are several different perspectives to this. One yes the fees it's not ICANN deciding in a back room how the fees should be determined. It's from a guidebook. It's from a public comment and the multi-stakeholder bottom-up process that has been determined. So you're absolutely

right. If they would need - if there would be anything that should effect those fees it should include the same type of process to review that.

Jay Sudwoski: And there's no question I agree.

Xavier Calvez: The - then yes that input and that process of review of possible changes to the fee should also take into consideration the impact that then it has on the funding of ICANN and its mission and its activities because that - those fees are the result of a strategy of funding of ICANN so that it can deliver on its mission. If we would all say you know what, there's a whole bunch of things that we should stop doing it takes 20% out of the cost of ICANN and then - but then we don't have a problem of fees anymore. Then we can reduce the fees right? I mean it's all very theoretical discussion. But then I'm going back to the same question with Steve. What do we take out right?

But I agree that in principle effecting the fees should be a very transparent exercise and conversation and in the provisions that I think Steve was referring to earlier of that allows ICANN to consider a fee waiver or waving some of the fees is actually from my perspective a relatively general statement in the registry agreement and is also referencing the budget of ICANN which means it's if the budget of ICANN would allow for it in quotes. So there's - it's a general statement. It's not a provision that allows unilaterally ICANN to renew the fees. It's a provision that allows ICANN to initiate a process, multistakeholder process to be able to consider fee reductions.

Chris Wilson: So I think we are up against the time. I know David's here and we - but so thank you very much for coming and I think we'll heed your call for input and we will certainly continue to do that.

Man: Thank you very much. And I want to complement Jimson for the steadiness of his participation to the planning process. He's been a very strong participant and we just want to have more like him.

Chris Wilson: Thank you. Thank you Jimson too for on behalf of the BC. So pleased to welcome David Conrad here, ICANN CTO. We've already had a little bit of input from him already on - but I thought it'd be good to have him come speak to us about as you see the roadmap what's going on in particular the open data imitative. I think it's safe to say that access to data guarantees hugely important, hugely important for us.

Steve DelBianco: Just do that.

Chris Wilson: So if you really want to just - yes in the...

Steve DelBianco: On there, yes.

Chris Wilson: I think that'd be great and we can talk. So thank you. David to you.

David Conrad: This is a - I'm actually channeling one of my team members here. This is a presentation that is going to be given during the data driven ICANN session on Thursday so these slides are - you're seeing them before they've been published so...

Steve DelBianco: And David were you aware that CSG letter...

David Conrad: Yes.

Steve DelBianco: ...about data and then were you participating in Göran's response...

David Conrad: Yes.

Steve DelBianco: ...to it over the weekend?

David Conrad: Yes.

Steve DelBianco: So if you're able to weave in what we asked for and what Göran came back with and to what you're speaking to...

David Conrad: Sure. That might be - I don't recall exactly if - and oh good we actually have a answer. I will say that I had a significant role in the offering of that. So the agenda of this is basically just to give people and understanding of what the open data initiative is at ICANN, what the goals are, how does it fit in with the other efforts and what are the components of the initiative. But so, you know, what is it? Well we've been requested several - over several years now to open up the data, at least. You know, I rejoined ICANN in 2015 and pretty consistently from that time we've had request for open data.

And, you know, the reality is that ICANN the organization generates quite a bit of a data. But also ICANN the community generates the data. And the way that ICANN currently handles or store or presents that data is shall we say not ideal for post processing by interested parties. So in large part we do make a huge amount of data available but it's not generally in a form that's usable. It's like embedded within PDFs or it's buried under 14 redirects in a corner of the Web site that no one can find. And, you know, that's - none of that is actually intentional. It's just the way things have evolved organically over time.

So part of the idea behind our open data initiative is to actually regularize that, make it consistent and follow the open data sort of requirements that were

defined for sort of open data initiatives that were generated out of governments. They are open by default, timely comprehensive, accessible and usable, comparable and interoperable for - and the intent of that is for improved stakeholder engagement and inclusive development and innovation. And as we said in that letter it - you know, we definitely see this as a component of the need for openness and transparency to lead to better accountability for the organization.

Where did this come from? The ICANN community has over time requested more access to data. There are some precedents within the community. Jay Daley at (Nzudnek) being one of the larger proponents of open data based platforms. And also internally we've for a long time wanted to publish this data for the community's perusal. It's just there's perhaps unsurprisingly there is a certainly level of inertia within the organization. And we now have the initiative to actually go and make changes to that. Next slide.

The challenges, yes ICANN has collections of data in different formats, a lot of Excel spreadsheets, a lot of tabular data, a lot of ASCII stuff. And then there's huge amounts of data that are stored as a result of processes, basically log files. We don't currently have a document management system within the organization. Yes there's another initiative that's being undertaken. It's called the Information Transparency Initiative that is a combination of deploying the DMS and revisions to the Web site to gain access to documents through that DMS. That's current in discussion.

And open data can be seen as an adjunct to the ITI, the Information Transparency Initiative. Göran is trying to get us to stop using acronyms. The Open Data Initiative...

((Crosstalk))

David Conrad: Yes. The Open Data Initiative is being prioritized with other products, you know, the Information Transparency Initiative being one of those other projects being prioritized against, also a bunch of other activities that were occurring even within my own department. Next. The ultimate goal of this project is that where possible, you know, taking into consideration privacy and contractual constraints we make data accessible to everyone. Limitations, obviously privacy, personal identifying information, policy and contractual - yes?

Steve DelBianco: Well from our letter - this is Steve DelBianco that we - we're all the business community and I'm...

David Conrad: So you're aware of these?

((Crosstalk))

Steve DelBianco: ...(unintelligible) with the programmers. And we realize that many times what we'll do when we make data available is we'll anonymize it by stripping out any PII or identifying information as to the contracted party...

David Conrad: Sure.

Steve DelBianco: ...that provided it. And I do - that includes the efforts. To just say that there's two columns in this data set...

David Conrad: Right.

Steve DelBianco: ...that contain PII we can't publish any of it. That's not appropriate answer right? So sanitizing in some cases even aggregating and anonymizing would make the data suddenly useable.

David Conrad: Right.

Steve DelBianco: And we're interested to know that your team has that orientation...

David Conrad: Right.

Steve DelBianco: ...that your goal is to make it usable, not to discover a way that you can't publish...

David Conrad: Yes. I mean our interest is making the data available so it can inform, you know, policy discussions. So it would be - it would not benefit us to over-scrape anything. We want people to have as much information as possible in order to have, you know, the data that they need, the information they need to actually move forward and come up with, you know, reasonable policies.

Steve DelBianco: In terms of the competition for resources you mentioned two of them but there's another one. One of Fadi's gifts to us was the gTLD health, Marketplace Health Index.

David Conrad: Yes.

Steve DelBianco: And I'm on that advisor group along with Jay Daley. If you were in the session we had the other day...

David Conrad: I - virtually I was. I - yes.

Steve DelBianco: ...we're doing our best to say wait a minute, do we really need it? And if we do need it isn't the data it's publishing available in the ODI?

David Conrad: Yes.

Steve DelBianco: And if it is we don't - that project is only a little veneer of queries that pull and publish. It doesn't need to be a brand new project anymore. It - in fact I'd like that project to just wait for you to finish your data and we'll take what you have for the purpose of healthy marketplace. So if that's a project it's heavily funded, no?

David Conrad: I actually - that's being - that's driven out of (EDP). I don't actually know what the dollar figures on that is. I can look into it.

Steve DelBianco: Well...

David Conrad: I don't believe it's...

((Crosstalk))

Steve DelBianco: ...I've asked (Mukesh) who is doing a wonderful job running their project for our next meeting to talk with you about which of our data elements and metrics...

David Conrad: Right. And to clear...

Steve DelBianco: ...are things you have.

David Conrad: Right. And to be clear if there - if it's - if the metrics that are being generated are not something that is, you know, sort or organically driven out of the data

that we have it'll be included into the data we have. So the intent isn't, you know, it's not just data that comes out of my department. In fact my suspicion is while my department might generate the most volume I don't think the individual data sets will be predominantly from the (unintelligible) department. It'll actually be from, you know, places like finance, places like the travel department, you know, pretty much every area within the organization that's generating data we hope intend to bring into the open data initiative.

Steve DelBianco: Have a mandate to cut across silos for instance penetrating GDD, understanding what they have and respectfully asking them to make it...

David Conrad: So...

Steve DelBianco: ...part of the ODI?

David Conrad: Right. So Göran has been fairly direct in his interest in reducing the siloization. And part of the ODI is - sorry, the open data initiative is to reduce the siloes through the availability of data. And I - we've already seen that within the compliance department and SSR department. There used to be some fairly high walls and they have been removed almost completely. So, you know, that's the long term goals.

The near term goal is setup this pilot program, design the processes that are necessary to bring, you know, data from some identified data resources and into some platform in which, you know, people can gain access to those data and then to being the - it - the process of prioritization of the data sets because, you know, clearly we got a bunch of them. Some are more interested the community than others so it would make sense for us to prioritize based on the interest relative to cost. Next.

Obviously this isn't operating in a vacuum. There are several other projects that are underway. You know, there's Whois ARS project that's they're also looking at an open data initiative sort of project. And the idea there would be that we would suck that data into ours. There's - although much of - the document management system that we're looking at.

And one of the initial first steps of this project is to go to each of the departments within ICANN and identify who the custodians are of the data and get them to identify their data sets and put that into a catalog, an internal catalog. And once we have that catalog then part of the pilot program will be to do, you know, an initial cut at the process, the software necessary to convert that data into a standardized form that it can be imported into whichever platform we choose. Yes, so that's how, yes.

And part of that process of course will be identifying the limitations that we have. You know, I know one of the data sets that's of interest to the BC as referenced in the letter was abuse related statistics. We have upwards of 60 different data feeds into the SSR Team but the vast majority of those are licensed under terms that do not allow us to reproduce that data so obviously we'll not be able to put that - pull that into the ODI of a data initiative without changing the license, getting agreement from those organization which in - I'm guessing in many cases is not likely. So, you know, they want people to go to them to obtain the data. So the data will still be accessible, yes.

Steve DelBianco: But we can have a license too, we the users of ODI can have a license. We use it for the purpose of analysis...

David Conrad: Right.

Steve DelBianco: ...decision making and not for republication...

David Conrad: Right.

Steve DelBianco: ...for our own.

David Conrad: Yes.

Steve DelBianco: So that license if it's possible is something you impose on us with respect to certain...

((Crosstalk))

Steve DelBianco: ...parts of it we'll have to honor that license because...

David Conrad: Right.

Steve DelBianco: ...your license doesn't entitle anymore?

David Conrad: Right. And, you know, with - in our view of the open data initiative we wanted to make the - as much data as we can on - as unencumbered as we can. So, you know, there will be some tradeoffs involved there. You know, one of the challenges, one of the things that ideally love to avoid is requiring, you know, credentials for people to gain access to this data, you know? And just because of the nightmares and dealing with credentialing that we've seen with CCDS, yes.

Steve DelBianco: Compilations if you have 60 different sources in the area of domain name abuse and you have a team that has developed algorithms to aggregate...

David Conrad: Aggregate it, yes.

Steve DelBianco: ...all 60 of those the republication of the aggregated statistics...

David Conrad: Exactly.

Steve DelBianco: ...without PAI is something you're probably allowed to do.

David Conrad: Yes. That's one of the...

Steve DelBianco: And that's what we want.

David Conrad: ...areas we're looking at, yes.

Steve DelBianco: That's what we want.

David Conrad: Yes. Let's see, where was I? Oh yes so we need to figure out the mechanisms where we, you know, transform the data into something that can be consumed that deal with the removal of PII, deal with, you know, what other contractual and policy related implications they are. And then once we have that the - sort of the estimates of the costs for generating that then we're going to look at, you know, that'll be published and we'll go to the community and say, you know, here are these datasets. You know, which ones are the most important to you under these budgetary constraints?

Steve DelBianco: Sure.

David Conrad: I got the hint that you were going to ask that.

Denise Michel: How are we doing on time?

David Conrad: Oh, sorry. I can't...

Chris Wilson: Tentatively we've got David here for five more minutes but I don't what your - if you have a little more time. We know time (app)?

David Conrad: I actually do have to run over to the Contracted Party House Board session because they're going to talk about (onion) or something but I have some time.

Denise Michel: Chris - thanks for coming. We appreciate it and for responding to the letter. You know, in part the intention here was to advance the dialogue and spur this activity. So I think it would be useful if you - if you're assistant could contact us and help us get a conference call together so with you and appropriate staff so we could talk about some of these data sets in much greater detail. And then my question is when, when will we see the first data on the Web site, first ACI?

David Conrad: That's a good question. And so right now we're in the process of bringing in some consultants who are familiar with sort of open data initiatives. We intend on having something available for - before Johannesburg. What that is exactly in terms of the datasets that we - we're making available is unclear. You know, we have to sit down and do some preliminary analyses and some preliminary transformations. We do - another goal is to actually have a first cut at the catalog most likely without the costing associated with it but just a list of the data sets that we may identify internally. And that we also plan on having by Johannesburg. The, you know, whether or not, you know, that data - those data are actually usable for anything of interest to this group is unclear.

You know, one of the datasets that we're almost certainly going to be able to make available one way or another will be the output of the service level

agreement monitoring system. We collect very large amount of data very frequently for every registry and registrar about their conformance to the SLAs that are contractually obligated.

And that data has no constraints on it because it's stuff that we generated and yes, it's all the stuff that, you know, if you went and did the same thing we did you'd have access to it. It's essentially public data. So, you know, we're intending hopefully on getting that into the - into some platform that'll - as sort of a demonstration of capabilities, not necessarily that it's all that useful but it's, you know, it allows us to go through the process of taking the dataset and migrating it into the ODI and ensuring that is something that can be done consistently and sustainably.

Chris Wilson: And then Jimson and Jay or (Pat).

Jay Sudowski: It's Jay Sudowski. I'm wondering if you could maybe expedite the development and release of the list of datasets because I think that's as a group we don't really know what datasets exist. And maybe, you know, it'd be very helpful also to know which datasets are internal and which datasets are third party and might have some licensing restrictions. And ideally we get that before Johannesburg and before, you know, this project is really underway so we have the ability to indicate to you our preference on certain things that would be important to prioritize.

Jimson Olufuye: Yes, just a quick follow-up to Jay's question. Indeed some of us would be interested in the review or taking a look at the project implementation the documentation. So with that we could look at ramification of some of those or configuration or the data sets and we can provide that input. So put implementation, documentation we'd like to - some of us would like to have a look at.

David Conrad: Understood and, you know, I'll work with my team internally to try to expedite both the project documentation as well as the catalog. They are obviously sort of the priorities internally already but I'll see what I can do.

Denise Michel: So I'm quite frustrated at the help - the many things, so many things. The central - I'm just getting tired, sorry. The centralized - yes I know, Centralized Zone Data Service, the CZDS. So the new gTLDs are contractually obligated to provide that information daily. So we've seen complete non-compliance. We've seen data provided in all sorts of different formats. We've seen, you know, spotty compliance. We've seen people just being sort of arbitrarily right limited and kicked out, not the intention of the contractual obligations.

Regardless of whether TLDs feel that it's their data that is commercially sensitive and they don't want to share it is a contractual obligation that is, you know, is - we're falling down on that. And it's important information, you know, as you know, particularly for research. Can you give us some hope in that area?

David Conrad: Hopefully. So it is acknowledged within the organization that the current CZDS implementation is essentially end of life. It has a large number of issues. It is for good or ill it was designed in with some assumptions that did not pan out over time. The number of requestors for CZDS data is I believe two orders of magnitude higher than originally anticipated. And the - I know a bit about the CZDS program because when it was initially envisioned I did the first pilot program implementing on a completely different platform that was then thrown out for the actual production version.

But I have a good idea of what the - at least the - some of the requirements are for it. And, you know, another example of the unanticipated requirement that

didn't get fully flushed out in the - and the way people intended was that the initial version of CCDS did not assume that it would hold the zone data itself because the registries at the time -- there weren't that many of them -- had really disliked the idea of letting someone else hold their zone data. They wanted to control it. And it - so it turned CZDS into a password management system.

So there's acknowledgement that existing CZDS system is end of life. There is a project now to come out with sort of the next generation CZDS system. It has a requirements document that I believe is 140 pages long. It is in the beginning stages of implementation. I do not know what the estimate of availability of that system will be. I do know that they are trying to get sort of base functionality out as quickly as possible because there are - it - yes, it's a known problem and there are known issues with the software itself both the CZDS and also the corresponding system called the Zone File Access, ZFA program.

However with all that said there are other challenges in the CZDS program. And those are policy driven. For example there are no requirements in the contractual language specifying any sort of SLA associated with providing the service or any term of service, you know, length of service. So it then falls to the registries to define their own terms. And that, you know, I know from my SSRT Team how irritating that can actually be because they like everyone else goes out to get zone data through CZDS. So we're - my team is painfully aware of the challenges with CZDS and are trying to provide as much help as we can to the development group to ensure that it meets our requirements which likely mirror the requirements of any of the (ops zack) related investigators. You know, other people might have other requirements but, you know, my SSRT Team and the research team are consumers of this data as well so...

Chris Wilson: Any other questions for David before we have to say goodbye? Okay. David thank you very much for taking the time today. We'll continue the conversation with you this year in going down the road because it's a lot of important work that we care about so thank you.

David Conrad: And I very much appreciate the input and look forward to working with you all to come out with, you know, both the open data initiative as well as the CZDS next generation -- whatever we're going to call it. We have to come up with a cute acronym because we're ICANN. So thank you very much and thank you for the time.

Chris Wilson: Thanks. Thank you David. So we have just a few quick couple little things left on our agenda. Well I'll turn to Jimson real quick and maybe provide a short review of finance and outreach and then we'll do AOB and then we'll wrap up so Jimson to you.

Jimson Olufuye: Yes thank you Chris. Firstly to report that the BC financial health is okay and that July 1st to June 30 is our fiscal year. In that regard we're looking at invoices to for FY '18 to come out from May 1. So if it comes out May 1 some members will have 60 days' notice before June 30. And if not by June 30 there will be another one month of, you know, for members to still catch up.

But by May 1 going to get back - get to you with the invoices for FY '18. So this we have successfully integrated Moolah (premier) platform to our Web site. So invoicing and payment for FY '18 would be through our Web site so or still by member's click. Well we regret it which is the last time but this time around we are up to steam with it.

We'll now switch - like to know that we have a new member Automatic. They joined us at our meeting in I think that was yesterday. So don't know if they're around so we work on Automattic and we'd like to encourage potential members that are here now to please go ahead and filing your applications to join the BC.

Those that they come in from developing nations on our Web site see the information there. So we have very interesting the discounting package for members from developing countries. And there are three outreach efforts in the pipeline that are I know of. The one in Afghanistan it was the end of this month and then perhaps in next month Uganda and also during ICANN 59 in Johannesburg South Africa. So I will give small updates maybe during the call in the next two weeks. Thank you.

Chris Wilson: Thanks Jimson. Actually that segue to me (unintelligible) and I'll turn to Steve. But look, the next - our next BC call will be I believe March 30. It's a little over two weeks from now, same normal time with Chantelle so not the dial-in phone, the chat room and so forth but look for March 30 to be our next engagement. Steve I'll turn to you and we can handle the issue and then we'll wrap up.

Steve DelBianco: Fantastic. See if we can allocate ten to 15 minutes on a topic we've covered over the weekend and today in the CSG session and its notion of modifications to the new gTLD base registry agreement. Just a tiny bit of background, when the new gTLD program launched in 2012 there was an agreement that the new gTLD registry operators would sign a base agreement with the understanding that there might be modifications for each particular registry operator that might have their own public interest commitments through other specifications. And that base agreement was sort of put to bed in middle of 2014. And then right away just a clause in there it allows either

party which is the registrars as a group or ICANN and the other side to propose some amendments. Anywhere in the document they can propose amendments. And if they propose amendments those proposed additions go into a discussion that's guided by a part of the registry agreement. They call it Section 7.7. You might have heard Becky Burr throw that back at us this morning in the interaction.

So 7.7 is a process by which either party can begin discussion on whatever they want to modify. And once it's begun the list of things that are in discussion is closed. That's a process that - that's not the only process we can use but it's the process that they used. And that process itself meant there was only a handful of items and they decided to just limit it to items that both parties ICANN and the registries were mutually in agreement on.

What Section 7 says is that let's say ICANN was pursuing a modification to the base registry agreement Oh let's say fee reduction, fee waivers. And the BC wanted that to be in exchange for safeguards and not simply because they were running out of funding. So if ICANN listened to us the community they represent and pursued that as a proposed amendment if the registries said no we'd rather not there is a provision in there that says if they can't come to agreement it goes to mediation. Now they've never invoked that before and mediation could end up in a way that either party doesn't get all that they want but they've never gone that step before.

But that isn't the way they've conducted the latest round of proposed additions. They were put out for public comment last summer. We in the IPC made some very specific comments. Denise was one of our leaders on that. And ICANN analyzed the comments and published a report in December and most of what we came up with they said was out of scope. Why, because it wasn't among the list of originally proposed amendments that they'd agreed

on. So once they narrowed their scope to just a handful of things well we raised our hand and say, "Well wait a minute while you're at it you need to take care of some other problems." They've deemed that to be out of scope because of that particular process they were on, a trajectory.

Now that process still has another month to go as the registries themselves get to vote on the proposed additions. They'll finish that voting late in April and at that point it's supposed to go straight to the ICANN board to approve it. So Denise and I and others were sort of probing at that in a lot of different ways today. And truth is the board itself is unlikely to then reopen because the scope of this entire set of proposed additions is already on one trajectory.

There may be other ways that we can get at the things we are concerned with because it turns out that this addition, this proposed amendments process I'm speaking of it can happen once a year. And the last one was kicked off in last 2014. So it's perfectly feasible to start another one in June of 2017 where we could actually have a community driven process to say here are the parts of the new base agreement we'd like to see opened up and modified. We would lean heavily on ICANN as our advocate in the two-party negotiations and have ICANN propose some additions. It's never happened this way before but it could happen. And that would mean that at least the scope wasn't artificially narrowed to just think that they were both agreed upon because we're now running into a process that's at the end not the beginning. And technically they're able to exclude, they being ICANN and the registries are able to exclude most but not all of what we asked for as being outside their scope.

But there is a handful of things that are within the scope of the items that they brought up. The fee waiver is an area because there is a discussion in the latest of fee waivers. And we'd like to have more to say about that. So I don't think that is dead yet. I don't think that's over yet. We have time to

work hard and say we want to have more visibility and transparency and something to say about the standards the ICANN uses before it lets a failing registry just walk away from its fee obligation.

That has implications for the funding of ICANN. It means that ICANN is picking winners and losers and subsidizing the losers based on the winners. I really don't know if that's the healthy ecosystem we're trying to develop here. It's certainly not fair to a business registrant who's invested a lot of money in a new gTLD domain name only to see that registry operator go out of business. That's not good for business registrants and business users. So there needs to be a way to keep it alive. And ICANN should have ways to take a failing registry and turn it over to somebody who will run it, not just forgive the fees. I'm not so sure that actually makes an unhealthy registry healthy to suddenly tell them you no longer have to pay, you no longer have to get insurance anymore. I don't know that, that fixes the bad habits right?

All right so I'm rambling on beyond just the set up and I want to defer to Denise a little bit here. But let's focus on what we want and how to get it. We don't need to practice rhetoric in this room of what we'd say if the board were here. We don't need to complain about things. We need to say what do we want and how do we get there? Denise?

Denise Michel: Thanks Steve. So I think we should separate our request to the board into 7.7 items, items that relate to 7.7 that are within scope and items that would require a new negotiation. I think it's highly unlikely that GDD staff would agree to open up a negotiation, certainly not one based on our list and the registries likely would not agree to it.

But I think there's so I don't think it's outside the realm of possibilities to have the board ask the registries to engage the concerned community. It's not

just us of course. It's the intellectual property, it's At-Large, it's, you know, several other entities none of which have been engaged by the registries and by the GAC.

So I don't think it's beyond the realm of possibilities that the board could say clearly there's some serious disagreements here, registries can you try and work with the community to resolve that? I think that would be an ideal goal and I think we'd be remiss if we did not also in addition in a letter to the board make the process, you know, make the process points that we raised earlier today because what we're also looking for here is a sea change in how the GDD staff does their business. They do not engage with non-contracted parties. They do not reach out when substantive comments are filed. They don't pick up the phone and call or send us an email and say hey, can we talk about all these concerns that you just raised? They certainly don't tell us that they're in base agreement negotiations.

So really three years with not a word to the community. And I would really like clarity as you said on when they sit down at the table with the registries who were they representing? I really don't know.

And then finally Becky Burr is conflicted on this issue and really has no business talking about it because she is – she works for a registry that complies with – has a new gTLD base registry agreement. But we can note that quietly and not in a letter. So I would suggest that we go forward with the short insisting letter asked that the board, you know, comply with their commitment and Göran complies certainly with his commitment that when there is serious disagreements in the community we're going to give it back to the community to try to work them out. I think we deserve a little bit of chance to work them out. This has been going on for three years. I don't think another month or two is going to hurt things.

Steve DelBianco: Thank you Denise. I think that's an excellent path forward. We take the things we've asked for and it's only a few pages and put them into two buckets the things that even they would have to agree was in scope for which they simply disagreed with us and the second is the items that weren't part of that should be on a new track.

And remember that there is an ultimate element of leverage that's never been used which is if ICANN pursued an amendment and the registries said no they are able to force them to mediation. I don't know anybody who wants that to happen. In order to avoid that they may well come to agreement. There is some leverage to come to agreement that could work out. Any other ideas and volunteers who will help Denise and I separate our comments into those two buckets?

Denise Michel: One other just as a reminder it's been awhile since we dealt with this. You know, another great thing about the recommendations that the BC made on fees is that we suggested a protocol that would actually benefit all of those new gTLD registries that are already doing the right thing. They're complying with all of the obligations. They're being secure and stable. Yes they would have fee reductions which is...

((Crosstalk))

Denise Michel: ...just yes.

Marilyn Cade: I just wanted to - Marilyn Cade. I just wanted to ask a quick question. I was very concerned I had to go to the new the Innovative Technology Session because I felt that really needed some observation so I wasn't able to be in this

session. Was Becky the only board member that responded on this issue?

Okay so...

Steve DelBianco: No. Göran and Akram both went to the microphone as well.

Marilyn Cade: Yes that's...

((Crosstalk))

Steve DelBianco: So Göran is a board member.

Marilyn Cade: So I agree we don't have to put in a letter but I think this is a really serious problem. We lived with a long period of time when (Bruce) was so careful that in fact the fact he could provide factual information that might have been very, very (unintelligible) and was - he was very frustrated in many cases about the very strict guidance he was given and in many cases, you know, being the only knowledgeable person on the board on certain issues where he was kind of right-minded on it. But in this particular situation she's heavily conflicted. And should not be she should be recused completely from the discussions, access to the materials and certainly not responding in public.

Steve DelBianco: It brings to mind the idea that we discussed to initiate it is that wouldn't it be great if the Non-Contracted Parties House board member was an advocate for the non-contracted parties right instead of just the moderators is what happened today and wouldn't it be better still if the CSG had its own board member which might be a project for five years from now? And it's fine for Becky to provide clarity with respect to what 7.7 is but there's a fine line between making an explanatory comment and then becoming an advocate for the contract parties.

Marilyn Cade: I was just going to say Steve I may have very different views from some of you about the role of the board members. So I'd prefer not to mix those things. To me staff should be more than capable give the number of them of providing the clarifying information. And I – the other thing I was – I find myself sometimes concerned about is seeing board members jump in and interpreting or clarifying actions that the staff are taking.

It's very difficult in – for the board to be the overseer of the actions of the staff and the parties to whom complaints or requests for improvement take place when the board members are on the record clarifying, interpreting and defending. And that may not be a conflict of interest but it is a perhaps a conflict of role.

Steve DelBianco: Yes speaking of roles I mean what Denise suggested is if there are only two people in the room negotiating and one of them's the contract parties and the other is ICANN, ICANN has to represent the interests of the non-contracted part of the community. And it can't be is if when they solicit comments from the community hey what do you think we should pursue in the next round of contract amendments? And they ask everybody.

And the registries and registrars might well have an opinion but they're on the other side of the table. They'll have plenty of chance to express. But ultimately when ICANN walks into the room I looked at Becky and I said philosophically, "Aren't you representing the community's interest in that bilateral negotiation?" I couldn't even get a yes to that. So we may have to just suggest that as our premise going in and see whether we can have that become accepted by a broader community. And Marilyn anyone else in the queue as well? Phil, Marilyn and then Phil.

Marilyn Cade: I have just a very quick follow-up. Remember when GDD was set up now I'm speaking - we were all very concerned that what we were going to find was - sorry?

Man: (Unintelligible)?

Marilyn Cade: Exactly. We were getting what we fought against from the beginning a trade association for the contracted parties. If the only people from ICANN walking in the room are GDD that in fact GDD is not expected or measured on representing the full interest of ICANN.

Phil Corwin: Yes I support everything that's been said in here. And I think that the bigger issue here is not just this particular proposed change in the base agreement but the fact that we have a notice and comment period which is not meaningful. Well let me finish Steve. While ICANN is not a regulator it performs a lot of quasi-regulatory functions and it enforces them not through law enforcement but through contract enforcement.

And when they take this position that everything that goes on in negotiation between two private parties ICANN and the contracted party or in this case the group of contracted parties and that, you know, you've been told by Akram and I was told in a separate conversation recently that I had with Akram and John Jeffrey simultaneously that in regard to a negotiated contract staff will never change a word of the proposed contract in response to any of the comments that are filed. And I asked Akram, "Then what's the point of the comment period?" He says, "Well the board can make changes." But we all know that the practice of the board one it's not the role of the board to start making discrete changes in contracts. That's the staff role. And two the practice of the board and their review of these contracts and even in response to reconsideration request is to back up what the staff has done. So we're in

what's really regulatory and enforcement functions we have a comment process which in which nothing ever changes no matter how many groups say the same thing that this or that has to change or this or that is not a good idea it's a fait accompli and we have a meeting meaningless comment process. It's not a good thing for the organization.

Steve DelBianco: Let me correct the record though the December report from staff did make changes to the proposed agreement that had been negotiated. They did. They were minor. They weren't what we wanted but they did technically make changes and then sent it straight into the registry's voting process to approve. And this was Denise's point this morning is that they only bite of the apple left is after the registries vote yes and it goes back to the board to stamp it how can we use some leverage to get them to say hang on a minute, there's some things that were in scope.

And it looked as if the staff of the org has disregarded the community's concerns. And that would be a big reach right now to get that done. We should try. And while we're trying that in parallel the second part of Denise's plan is we cook up our wish list for the new negotiations which could begin the next day if we can convince ICANN that it's their job to represent us in that process. But it will take a lot of time.

All right this has been in my opinion one of the most substantive BC meetings we have ever had. I thought it helped immensely that everyone was so deeply engaged. Chris said the secret was that we weren't talking about the transition now.

Woman: (Unintelligible).

Steve DelBianco: And the other thing is the guests that you invited in were willing to just dump the PowerPoint and actually engage. And you can see – you can see how they raised their game. The more we asked really specific knowledgeable questions they got off their spiel and started answering questions. And it's – that's – this is a model for us to replicate in the future. Thank you Chris.

Chris Wilson: Thanks Steve. Thanks everybody. Before we close out I did want to remind people there is the CSG GAC reception this evening at 6:30. I still don't know exactly where the terrace is. Marilyn maybe you know where the terrace location is or Jimson or someone I still haven't determined exactly what that means but...

Marilyn Cade So this is Marilyn Cade speaking.

Chris Wilson: Yes.

Marilyn Cade: Obviously he thinks I'm a party girl.

Chris Wilson: Yes, yes or a GAC girl one other way. So I'll asked Chantelle after this meeting and maybe she can send an email out to everybody sort of specifically determining where the terrace is but hopefully folks can maybe at least pop in. I know there's an ISOC event tonight. There's the budget discussion tonight -- other things going on but perhaps if you can make it to that cocktail reception with the GAC that would be great.

Anything else that folks have on their minds? Okay well great. If not then we'll talk to you on March 30 if not obviously before then here in Copenhagen. But thank you all very much and we can end the meeting. Thank you.

END